REMARKS

1. <u>Present Status of Patent Application</u>

Reconsideration and allowance of the application and presently pending claims are respectfully requested. Claims 1, 9, and 15 have been amended and claims 1-23 remain pending with submission of this response.

2. <u>Telephone Interview Summary</u>

Applicant expresses his sincere appreciation for the time that Examiner Strange spent with Applicant's representative, Mr. Charles W. Griggers, during a telephone discussion on April 7, 2009 regarding the outstanding Office Action. During the discussion, proposed amendments to independent claims 1, 9, and 15 were discussed (which are contained herein). Examiner Strange indicated that the proposed amendments were potentially beneficial. Accordingly, Applicant respectfully requests the Examiner to consider the contents of the present response.

3. <u>Response to Rejection of Claims under 35 U.S.C. §101</u>

Claims 9-14 have been rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter, since the claims allegedly contain no elements limited to hardware. To address the Examiner's concerns, claim 9 has been amended to recite a display device which is hardware. Accordingly, withdrawal of the rejection of claims 9-14 is respectfully requested.

4. <u>Response to Rejection of Claims under 35 U.S.C. §103</u>

Claims 1-7, 9-21, and 23 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *spamXpress* ("anti-spam Rules/Filters for Outlook Express") in view of *Horvitz* (U.S. Patent No. 6,161,130) in further view of Official Notice. Claims 8 and 22 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *spamXpress* in view of *Horvitz* in further view of Official Notice in further view of *Paul* (U.S. Patent No. 5,999,932).

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a. <u>Claim 1</u>

As provided in independent claim 1, Applicant claims:

An email system for providing email service to a user, comprising:

a computer device of the user configured with a plurality of detection mechanisms that detect undesired email messages that have been received by the user from an email server,

the computer device configured to tag a received email message with a marker indicating that that the email message is addressed to a child user,

the computer device further configured to tag a received email message with a marker indicating that an email message was detected by a particular detection mechanism as being undesired;

a user interface installed on the computer device and configured to visually represent a plurality of mail folders associated with a plurality of users that access email messages using the user interface, the plurality of users comprising at least the child user and the user designated to regulate the child user's access to his or her undesired email messages, the plurality of mail folders comprising at least an inbox folder for the child user and an inbox folder and an undesired mail folder for the user, wherein undesired email messages for the child user are represented as being located in the user's undesired mail folder; and

a display device coupled to the computer device, the user interface configured to visually represent that a particular undesired email message was detected using a particular detection mechanism, wherein each of the detection mechanisms is represented using a different visual representation on the display device and the user interface upon detecting a drag and drop operation to move an email message from inbox folder of the user to a designated folder where the undesired email messages are stored prompts for the moved email message to be marked as a type of undesired email message that is associated with one of the detection mechanisms,

the user interface further configured to visually represent in the undesired mail folder of the user an undesired email message intended for the child user having both a child marker and a distinct marker of a particular detection mechanism in a different manner than undesired email messages intended for the user having only the distinct marker for the particular detection mechanism.

(Emphasis added).

Applicant respectfully submits that independent claim 1 is allowable for at least the reason that *spamXpress* in view of Horvitz Official Notice does not disclose, teach, or suggest at least "the user interface further configured to visually represent in the undesired mail folder of the user an undesired email message intended for the child

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user having both a child marker and a distinct marker of a particular detection mechanism in a different manner than undesired email messages intended for the user having only the distinct marker for the particular detection mechanism," as emphasized above.

The *spamXpress* reference describes an anti-spam filter system which uses "[c]olor highlights to distinguish which Mail Rule caught the spam." The *spamXpress* reference does not disclose an operation of prompting an email message to be marked as a type of undesired email message associated with a detection mechanism when the message is moved to a designated folder. For example, *spamXpress* discloses that spam is stored in a Deleted Items folder along with other items that are unrelated to spam. As such, *spamXpress* fails to teach or suggest at least "the user interface further configured to visually represent in the undesired mail folder of the user an undesired email message intended for the child user having both a child marker and a distinct marker of a particular detection mechanism in a different manner than undesired email messages intended for the user having only the distinct marker for the particular detection mechanism," as recited in claim 1.

Therefore, *spamXpress* does not teach or suggest at least all of the claimed features of claim 1. Further, *Horvitz* does not remedy the deficiencies of *spamXpress*. The Office Action "takes Official Notice that prompting a user prior to performing an action based on user activity was old . . . and well known in the art at the time the invention was made." Page 5. In response, Applicant respectfully submits that it is improper to take official notice that any prompting of a user in response based on any user activity is old. In claim 1, as an example, an action of moving an email message to a designated folder causes a prompt to be made. The Office Action has not provided a reference showing that such an action elicits this type of prompt in the prior art. Accordingly, Applicant traverses the finding of Official Notice and does not consider the official noticed facts to be admitted prior art by specifically pointing out errors in the Office Action which included stating why the noticed facts should not be considered to be common knowledge or well-known in the art.

Moreover, per MPEP 2144.03(A), "It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts

asserted to be well known are not capable of instant and unquestionable demonstration as being well-known." Also, per MPEP 2144.03(B), "If such notice is taken, the basis for such reasoning must be set forth explicitly. The Examiner must provide specific factual findings predicated on sound technical and scientific reasoning to support his or her conclusion of common knowledge."

As specific factual findings predicated on sound technical and scientific reasoning in support of the conclusion of common knowledge are not provided in the Office Action, the Official Notice and the rejections based upon this finding should be withdrawn. Further, under 37 CFR § 1.104(d)(2), if the rejections are based on facts within the personal knowledge of the examiner, "the data should be stated as specifically as possible, and the facts must be supported, when called for by the applicant, by an affidavit from the examiner. Such an affidavit is subject to contradiction or explanation by the affidavits of the applicant and other persons."

Therefore, Applicant respectfully submits that its traversal of the finding of Official Notice is adequate and should not be construed as an admission that the officially noticed facts are admitted prior art. Further, if these rejection are maintained, Applicant respectfully requests that document(s) be provided as support under 37 CFR § 1.104(d)(2).

For at least these reason, claims 1 is patentable over the cited art and the rejection of claim 1 should be withdrawn.

b. Claims 2-7

For at least the reasons given above, claim 1 is allowable over the cited art of record. Since claims 2-7 depend from and include the features of claim 1 and recite additional features, claims 2-7 are allowable as a matter of law over the cited art of record.

c. Claim 8

For at least the reasons given above, independent claim 1 is allowable over the cited art. Further, *Paul* does not remedy the deficiencies of the cited art with respect to claim 1. Since claim 8 depends from and includes the features of independent claim 1

and recites additional features, claim 8 is allowable as a matter of law over the cited art of record.

d. Claim 9

As provided in independent claim 9, Applicant claims:

> A system for providing email service, comprising:
> means for providing a plurality of detection mechanisms that detect undesired email messages at a user's computing device that receives the email messages from an email server;
> means for designating an email message as being undesirable according to a particular detection scheme;
> means for marking the email message at the user's computing device with a particular identifier of the particular detection scheme, the means for marking the email message further configured to mark a received email message intended for a child user with a marker indicating that that the email message is addressed to the child user; and
> means for displaying a plurality of mail folders associated with a plurality of users that access email messages, the plurality of users comprising at least the child user and the user designated to regulate the child user's access to his or her undesired email messages, the plurality of mail folders comprising at least an inbox folder for the child user and an inbox folder and an undesired mail folder for the user, wherein undesired email messages for the child user are represented as being located in the user's undesired mail folder; and
> ***a display device coupled to the user's computing device, the means for displaying further configured to display the email message at the display device of the user's computing device with the particular identifier in a particular visual manner that is associated with the particular identifier, wherein each of the detection mechanisms is represented using a different visual representation and the user's computing device upon detecting a drag and drop operation to move an email message from the inbox folder of the user to a designated folder of the user where the undesired email messages are stored prompts for the moved email message to be marked as a type of undesired email message that is associated with one of the detection mechanisms, wherein the means for displaying is further configured to detect an embedded child marker and visually represent undesired email messages of the child user in the undesired mail folder of the user in a different manner than undesired email messages of the user in the undesired mail folder of the user.***

(Emphasis added).

Applicant respectfully submits that independent claim 9 is allowable for at least the reason that *spamXpress* in view of *Horvitz* in further view of Official Notice does not disclose, teach, or suggest at least "a display device coupled to the user's computing device, the means for displaying further configured to display the email message at the display device of the user's computing device with the particular identifier in a particular visual manner that is associated with the particular identifier, wherein each of the detection mechanisms is represented using a different visual representation and the user's computing device upon detecting a drag and drop operation to move an email message from the inbox folder of the user to a designated folder of the user where the undesired email messages are stored prompts for the moved email message to be marked as a type of undesired email message that is associated with one of the detection mechanisms, wherein the means for displaying is further configured to detect an embedded child marker and visually represent undesired email messages of the child user in the undesired mail folder of the user in a different manner than undesired email messages of the user in the undesired mail folder of the user," as emphasized above.

The *spamXpress* reference describes an anti-spam filter system which uses "[c]olor highlights to distinguish which Mail Rule caught the spam." The *spamXpress* reference does not disclose an operation of prompting an email message to be marked as a type of undesired email message associated with a detection mechanism when the message is moved to a designated folder. For example, *spamXpress* discloses that spam is stored in a Deleted Items folder along with other items that are unrelated to spam. As such, *spamXpress* fails to teach or suggest at least "a display device coupled to the user's computing device, the means for displaying further configured to display the email message at the display device of the user's computing device with the particular identifier in a particular visual manner that is associated with the particular identifier, wherein each of the detection mechanisms is represented using a different visual representation and the user's computing device upon detecting a drag and drop operation to move an email message from the inbox folder of the user to a designated folder of the user where the undesired email messages are stored prompts for the moved email message to be marked as a type of undesired email message that is

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associated with one of the detection mechanisms, wherein the means for displaying is further configured to detect an embedded child marker and visually represent undesired email messages of the child user in the undesired mail folder of the user in a different manner than undesired email messages of the user in the undesired mail folder of the user," as recited in claim 9.

Therefore, *spamXpress* does not teach or suggest at least all of the claimed features of claim 9. Further, *Horvitz* does not remedy the deficiencies of *spamXpress*. The Office Action "takes Official Notice that prompting a user prior to performing an action based on user activity was old . . . and well known in the art at the time the invention was made." Pages 5 and 7. In response, Applicant respectfully submits that it is improper to take official notice that any prompting of a user in response based on any user activity is old. In claim 9, as an example, an action of moving an email message to a designated folder causes a prompt to be made. The Office Action has not provided a reference showing that such an action elicits this type of prompt in the prior art. Accordingly, Applicant traverses the finding of Official Notice and does not consider the official noticed facts to be admitted prior art by specifically pointing out errors in the Office Action which included stating why the noticed facts should not be considered to be common knowledge or well-known in the art.

Moreover, per MPEP 2144.03(A), "It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known." Also, per MPEP 2144.03(B), "If such notice is taken, the basis for such reasoning must be set forth explicitly. The Examiner must provide specific factual findings predicated on sound technical and scientific reasoning to support his or her conclusion of common knowledge."

As specific factual findings predicated on sound technical and scientific reasoning in support of the conclusion of common knowledge are not provided in the Office Action, the Official Notice and the rejections based upon this finding should be withdrawn. Further, under 37 CFR § 1.104(d)(2), if the rejections are based on facts within the personal knowledge of the examiner, "the data should be stated as specifically as possible, and the facts must be supported, when called for by the

applicant, by an affidavit from the examiner. Such an affidavit is subject to contradiction or explanation by the affidavits of the applicant and other persons."

Therefore, Applicant respectfully submits that its traversal of the finding of Official Notice is adequate and should not be construed as an admission that the officially noticed facts are admitted prior art. Further, if these rejection are maintained, Applicant respectfully requests that document(s) be provided as support under 37 CFR § 1.104(d)(2).

For at least these reasons, claim 9 is patentable over the cited art and the rejection of claim 9 should be withdrawn.

e. Claims 10-14

For at least the reasons given above, claim 9 is allowable over the cited art of record. Since claims 10-14 depend from and include the features of claim 9 and recite additional features, claims 10-14 are allowable as a matter of law over the cited art of record.

f. Claim 15

As provided in independent claim 15, Applicant claims:

> A method for providing email service, comprising:
> displaying a plurality of mail folders associated with a plurality of users that access email messages at a user's computing device, the plurality of users comprising at least a child user and the user designated to regulate the child user's access to his or her undesired email messages, the plurality of mail folders comprising at least an inbox folder for the child user and an inbox folder and undesired mail folder for the user, wherein undesired email messages for the child user are represented as being located in the user's inbox folder;
> providing a plurality of detection approaches for detecting undesired email messages at the user's computing device that receives the email messages from an email server;
> designating an email message as being undesirable according to a particular detection scheme;
> marking the undesirable email message at the user's computing device with a particular identifier of the particular detection scheme;
> marking a received email message intended for a child user with a marker indicating that that the email message is addressed to the child user;

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displaying the undesirable email message at a display device coupled to the user's computing device with the particular identifier in a particular visual manner that is associated with the particular identifier, wherein each of the detection mechanisms is represented using a different visual representation;

displaying the child email message at the user's undesired mail folder on the display device coupled to the computing device in a different visual manner than undesired email messages addressed to the user;

detecting a drag and drop operation to move an email message from the inbox folder of the user to a designated folder where the undesired email messages are stored for the user; and

in response to detecting the drag and drop operation, prompting for the moved email message to be marked as a type of undesired email message that is associated with one of the detection mechanisms.

(Emphasis added).

Applicant respectfully submits that independent claim 15 is allowable for at least the reason that *spamXpress* in view of *Horvitz* in further view of Official Notice does not disclose, teach, or suggest at least "displaying the child email message at the user's undesired mail folder on the display device coupled to the computing device in a different visual manner than undesired email messages addressed to the user," as emphasized above.

The *spamXpress* reference describes an anti-spam filter system which uses "[c]olor highlights to distinguish which Mail Rule caught the spam." The *spamXpress* reference does not disclose an operation of prompting an email message to be marked as a type of undesired email message associated with a detection mechanism when the message is moved to a designated folder. For example, *spamXpress* discloses that spam is stored in a Deleted Items folder along with other items that are unrelated to spam. As such, *spamXpress* fails to teach or suggest at least "displaying the child email message at the user's undesired mail folder on the display device coupled to the computing device in a different visual manner than undesired email messages addressed to the user," as recited in claim 15.

Therefore, *spamXpress* does not teach or suggest at least all of the claimed features of claim 15. Further, *Horvitz* does not remedy the deficiencies of *spamXpress*. The Office Action "takes Official Notice that prompting a user prior to performing an

action based on user activity was old . . . and well known in the art at the time the invention was made." Pages 5 and 7. In response, Applicant respectfully submits that it is improper to take official notice that any prompting of a user in response based on any user activity is old. In claim 15, as an example, an action of moving an email message to a designated folder causes a prompt to be made. The Office Action has not provided a reference showing that such an action elicits this type of prompt in the prior art. Accordingly, Applicant traverses the finding of Official Notice and does not consider the official noticed facts to be admitted prior art by specifically pointing out errors in the Office Action which included stating why the noticed facts should not be considered to be common knowledge or well-known in the art.

Moreover, per MPEP 2144.03(A), "It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known." Also, per MPEP 2144.03(B), "If such notice is taken, the basis for such reasoning must be set forth explicitly. The Examiner must provide specific factual findings predicated on sound technical and scientific reasoning to support his or her conclusion of common knowledge."

As specific factual findings predicated on sound technical and scientific reasoning in support of the conclusion of common knowledge are not provided in the Office Action, the Official Notice and the rejections based upon this finding should be withdrawn. Further, under 37 CFR § 1.104(d)(2), if the rejections are based on facts within the personal knowledge of the examiner, "the data should be stated as specifically as possible, and the facts must be supported, when called for by the applicant, by an affidavit from the examiner. Such an affidavit is subject to contradiction or explanation by the affidavits of the applicant and other persons."

Therefore, Applicant respectfully submits that its traversal of the finding of Official Notice is adequate and should not be construed as an admission that the officially noticed facts are admitted prior art. Further, if these rejection are maintained, Applicant respectfully requests that document(s) be provided as support under 37 CFR § 1.104(d)(2).

For at least these reasons, claim 15 is patentable over the cited art and the rejection of claim 15 should be withdrawn.

g. Claims 16-23

For at least the reasons given above, claim 15 is allowable over the cited art of record. Since claims 16-23 depend from and include the features of claim 15 and recite additional features, claims 16-23 are allowable as a matter of law over the cited art of record.

h. Claim 22

For at least the reasons given above, independent claim 15 is allowable over the cited art. Further, *Paul* does not remedy the deficiencies of the cited art with respect to claim 15. Since claim 22 depends from and includes the features of independent claim 15 and recites additional features, claim 22 is allowable as a matter of law over the cited art of record.

CONCLUSION

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for at least the specific and particular reason that the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

For at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,

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